

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

January 15, 2015

Chairman T. Michalski called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, B. Larson, B. Mazade, S. Wisneski, J. Doyle,
L. Spataro, B. Smith, S. Gawron

MEMBERS ABSENT: Excused: F. Peterson

STAFF PRESENT: M. Franzak, K. Cummins

OTHERS PRESENT: J. Sytsema, 737 E. Apple Ave.; D. Bossenbroek, 900 Third St.,
Muskegon; Derek Wilce, Facultatieve Technologies, 940 Lake
Road, Medina, OH 44256

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of December 11, 2014 be approved, was made by S. Wisneski, supported by B. Larson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2015-1: Request to amend the zoning ordinance to allow crematories as a special land use permitted in B-4, General Business districts, by Sytsema Properties, LLC. M. Franzak presented the staff report. Crematories are currently only allowed in I-1, Light Industrial and I-2, General Industrial districts as a use by right. The Sytsema Funeral Home would like to utilize a crematory at their location at 737 E. Apple Avenue, which is zoned B-4, General Business District. If the ordinance is amended to allow crematories as a special land use, then all crematory applicants would need to apply for a special land use permit and a public hearing would be required. Staff has researched crematories and found that it has been a somewhat controversial subject in many areas around the county. Cremations are much more common than in the past, and the growing demand is causing the need for more crematories. Some cities have allowed them to be located in residential areas and others have denied these types of requests. The main concerns most people have are the potential for pollutants and odors. The applicant has provided several aerial maps of crematories that are located in various neighborhoods across the country and they have also included a manual from Facultatieve Technologies, which is the brand of crematory they are interested in using (please note that this amendment wouldn't require all crematories to use this type of model, but it can be used as an example of environmental effects). There are currently two crematories in the Muskegon area: One is at Ever Rest Funeral Home at 1783 E. Keating in Muskegon, and one is at Phoenix Crematory

Services, 525 W. Hume Ave in Muskegon Heights. All crematories in Michigan are required to be licensed from the Michigan Department of Licensing and Regulatory Affairs.

T. Michalski asked if the proposed technology was the best and least polluting. M Franzak stated that the type of unit that Sytsema was proposing seemed to be top-of-the-line, and the type of equipment to encourage if the ordinance amendment was allowed. B. Larson asked if the funeral home was required to get a license from the Department of Licensing and Regulatory Affairs, and if so, if they were required to inform the City. M. Franzak confirmed that they had to get a state license, but the City was not involved in that process. L. Spataro thought the key issue was whether this ordinance amendment could create a nuisance to the neighbors, and was concerned that some units may create more of a nuisance than others. He said he was unclear as to who had regulatory authority over certifying the equipment that could be used. J. Sytsema stated that they fell under the guidelines of the EPA. L. Spataro stated that he would not be opposed to the request if there was no real nuisance concern with the neighbors. B. Smith asked if existing funeral homes would have to apply for a special use permit if approved. M. Franzak explained that the ordinance applied only to those facilities located in B-4 zoning districts. B. Mazade asked if the Planning Commission would be able to approve the type of technology once the ordinance amendment and special use permit were approved. M. Franzak stated that the proposed ordinance did not contain specific equipment standards, and that specifications would be given to the Planning Commissioners so they could make a decision on a case by case basis. J. Doyle inquired whether notices were sent to the surrounding property owners, and if there was any response. M. Franzak replied that notices were not mailed to individual property owners because the issue was a general ordinance amendment, and did not apply to only one specific business; however, there was a Public Hearing Notice published in the newspaper. M. Franzak stated that he had not received any comments. He pointed out that this was just a proposed amendment, and the board could put restrictions on it if they thought it was necessary, such as requiring as a certain distance from houses or neighborhoods.

D. Bossenbroek, attorney for Sytsema Funeral Home, presented brochures to help answer questions and provide state standards. He stated that the special use permit would allow the City to retain control on location, parking, type of equipment, whether it complied with EPA standards, state licensing and the like. D. Bossenbroek stated that the popularity of cremations was on the rise, and he voiced Sytsema's desire to provide a complete service at their facility without having to send families out to an industrial park. J. Sytsema stated that the Sytsema Funeral Home had been a part of the City of Muskegon since 1929, and they had opted to remain in the City because Apple Avenue was where their main office was. All services went through that office and they had staff and space there. He stated that they desired to invest more in the City of Muskegon without doing anything that might be a detriment to the neighborhood. He stated that, while there are homes in the area, there are no residents living within 100 feet of the facility. Discussing odors, J. Sytsema said the only time there might be an incident is if there were a power failure. While the equipment was run on natural gas, it also required electricity, and they would install a back-up generator to function in the case of a power failure. He stated that maintenance check-ups would be performed every 15 months by Facultatieve, and that if adverse conditions were present, the computer would shut the equipment down. He stated there were eight different chemicals that could go up in exhaust, and that six of the eight registered 0% emission, and the two remaining were less than 1%. Sytsema stated that the machine would be

installed in a climate-controlled garage on the premises. S. Wisneski stated that his concern was not with the organization, but with state licensing and allowing this particular type of facility within the City limits. He wanted to know who the regulating authority was and who set the standards. He wasn't convinced that the state alone should be the threshold for quality, and felt there ought to be a higher standard. J. Sytsema stated that by making this a Special Land Use, the Planning Commission would have the authority to govern what was allowed. He stated that they are inspected by the State Department of Licensing and that Facultatieve Technologies came highly recommended. S. Wisneski asked J. Sytsema if he was aware of any DNR or EPA regulations that required a specific level of quality. J. Sytsema stated that the information was in the paperwork presented. D. Wilce of Facultatieve Technologies spoke to the environmental concerns, stating that the Michigan DEQ (Department of Environmental Quality) monitored what was emitted out of the stack during the cremation process. S. Wisneski asked who monitored facilities providing substandard conditions. D. Wilce responded that all faults were supposed to be reported, and that the machine's computer ran 24/7 logging and recording information. D. Wilce said that their machine monitored the temperature in the primary chamber and the secondary chamber where all the gasses are burned off. They measure the temperature in the stack that is exiting the machine, and they have the capability of remotely accessing the machine at any time.

The board discussed Michigan DEQ restrictions and decided that the Planning Commission would review requests on a case-by-case basis, rather than including specific equipment specifications in the ordinance.

A motion to close the public hearing was made by B. Mazade, supported by S. Wisneski and unanimously approved.

A motion that the proposed amendment to Section 1301 of the City of Muskegon Zoning Ordinance, to allow crematories as a special land use permitted in B-4, General Business districts, be recommended to the City Commission for approval was made by L. Spataro, supported by B. Larson and unanimously approved.

L. Spataro informed Mr. Sytsema that the City Commission would also have to approve the request.

NEW BUSINESS

None.

OLD BUSINESS

None.

OTHER

L. Spataro requested an update on the Form Based Code changes. M. Franzak stated that the code is being wrapped up and should be finalized by spring.

ELECTIONS

Chairperson A motion to retain Tim Michalski as Chairperson was made by L. Spataro, supported by S. Wisneski and unanimously approved.

Vice-Chairperson A motion to retain Bill Larson as Vice-Chairperson was made by L. Spataro, supported by J. Doyle and unanimously approved.

There being no further business, the meeting was adjourned at 4:40 p.m.